

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IME WATCHDOG, INC.,

Plaintiff,

-against-

SAFA ABDULRAHIM GELARDI, VITO GELARDI,  
GREGORY ELEFTERAKIS, ROMAN POLLAK,  
ANTHONY BRIDDA, NICHOLAS ELEFTERAKIS,  
NICHOLAS LIAKIS, and IME COMPANIONS LLC,

Defendants.  
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SAFA GELARDI and IME COMPANIONS, LLC,

Third-Party Plaintiffs,

-against-

CARLOS ROA,

Third-Party Defendant.  
-----X

CARLOS ROA,

Third-Party Counter-Claimant,

-against-

SAFA ABUDLRAHIM GELARDI, VITO GELARDI,  
and IME COMPANIONS, LLC,

Third-Party Counter-Defendants.  
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Case No.: 1:22-cv-1032 (PKC) (JRC)

**REPLY DECLARATION OF  
DANIELLA LEVI, ESQ. IN  
FURTHER SUPPORT OF ITS  
ORDER TO SHOW CAUSE  
FOR CONTEMPT, FOR AN  
ORDER OF ATTACHMENT  
PURSUANT TO RULE 64 OF THE  
FEDERAL RULES OF CIVIL  
PROCEDURE & ARTICLE 62 OF  
THE NEW YORK CIVIL  
PRACTICE LAW & RULES, AND  
IN SUPPORT OF PLAINTIFF'S  
RENEWED MOTION FOR A  
PRELIMINARY INJUNCTION  
DIRECTING DEFENDANTS TO  
CEASE OPERATING IME  
COMPANIONS LLC AND ANY  
OTHER ENTITIES THAT  
COMPETE WITH PLAINTIFF**

Daniella Levi, Esq. declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that  
the following is true and correct:

1. I am the sole shareholder and Chief Operating Officer of the Plaintiff IME WatchDog, Inc. (“IME WatchDog”).

2. I respectfully submit this reply declaration in further support of Plaintiff’s renewed motion for a preliminary injunction directing Defendants to cease operating IME Companions LLC and any other entities that compete with Plaintiff, in further support of its order to show cause for contempt, and for an order of attachment pursuant to Rule 64 of the Federal Rules of Civil Procedure (hereinafter “Rules” or “Rule”) & Article 62 of the New York Civil Practice Law & Rules (hereinafter “CPLR”).

3. I respectfully ask that my prior declarations dated February 25, 2022, the accompanying declaration under seal dated February 25, 2022, my April 8, 2022 supplemental declaration, and my March 10, 2023 declaration in support of the instant motion be incorporated by reference herein. See Docket Entries 8, 15 (filed under seal), and 45-2 (filed under seal), and 155, respectively.

4. I have compared the “Sales by Customer Summary” lists of IME WatchDog (which was misappropriated by the Defendants) with those of the Defendants, IME Companions LLC, which were obtained through discovery.

5. A summary of the revenue Defendants earned from IME WatchDog’s customers compared to sales earned from other customers are as follows:

<b>Year</b>	<b>Companions Sales for Plaintiff’s Customers</b>	<b>Companions’ “Independent” Sales</b>
2018	\$64,392.00	\$8,335.00
2019	\$408,800.00	\$2,415.00
2020	\$432,491.00	\$2,825.00
2021	\$810,780.00	\$12,565.00
2022 <sup>1</sup>	\$863,111.00	\$19,935.00
<b>TOTAL</b>	<b>\$2,579,574.00</b>	<b>\$46,075.00</b>

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<sup>1</sup> This was a partial and incomplete list provided by the Defendants.

6. Therefore, 98.3% of Defendants' total revenue generated since inception was obtained by and through the misappropriation of Plaintiff's trade secrets.

7. Separately, I have reviewed the evidence submitted by Defendants concerning July 2022 e-mails sent about this case.

8. I do not condone the behavior in these e-mails.

9. I have confronted every single employee and agent of IME WatchDog concerning this issue and no one has accepted responsibility for it.

10. I have tasked IME WatchDog's private investigator with uncovering the individual(s) behind these e-mails (including the e-mails and mass-mail Plaintiff submits Defendants sent) and will provide this Court with the findings.

11. I have also instructed my attorneys to file appropriate subpoenas to Google as soon as possible given the upcoming hearing so as to obtain any evidence concerning same.

12. To the extent that any employee or agent of IME WatchDog is found to have engaged in this conduct, I am prepared to appropriately discipline any such individual.

13. Accordingly, I respectfully request that this Court grant the relief requested herein.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 22, 2023.

Daniella Levi

Daniella Levi (Mar 22, 2023 17:47 EDT)

Daniella Levi, Esq.






# 2023-03-22 FINAL Levi Reply Declaration

Final Audit Report

2023-03-22

Created:	2023-03-22
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